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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,620	08/06/2003	Hans G. Platsch	OST-031113	8456
30981	7590	10/19/2005	EXAMINER	
King & Jovanovic, PLC 170 College Avenue SUITE 230 HOLLAND, MI 49423			TADESSE, YEWEBDAR T	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,620

Applicant(s)

PLATSCH, HANS G.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/25/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 12-15 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 4-9, 11, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 26 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 9. Claim 27 is also objected to under 37 CFR 1.75 as being a substantial duplicate of claim 11. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 10, 12 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunschera et al (US 6,085,654).

As to claim 1, Gunschera et al discloses (see Fig 3) a powdering device comprising a nozzle strip (powder nozzles 6.2, see column 8, line 56) which produces a powder gas curtain containing powder particles distributed in a carrier gas stream (a stream of carrier gas carrying entrained powder), which powder gas curtain moves substantially in a curtain plane (a stream of powder dispensed moving towards the target sheet 7), wherein the powder gas curtain moves between two angled powder guiding elements (upper and lower guiding parts 12' and 13' attached to walls of

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disposal lines 6.3, as shown in the drawing the guiding part 13' having angled portion on each side around the opening 13.1') each having a first powder guiding side arranged at least one of parallel to each other and coplanar, and each having a second powder guiding side parallel to the powder gas curtain plane (the angled first portions of guiding part 13' arranged on each side of the powder curtain are parallel to each other and coplanar and the second sides of the guiding part 13' is parallel to the powder gas curtain plane).

With respect to claim 3, in Gunschera et al (see Figs 1 and 3) the second powder side of the guiding part is connected to a carrying side (part of supply line 6.1) perpendicular to the second powder guiding side (the guiding part 12 attached to wall 6.3) and on which the nozzle strip (6.2) is mounted.

Regarding claim 10, Gunschera et al discloses (see Fig 1) a coplanar extension (shutter 6.5) provided for the first powder guiding side of the guiding element (walls of disposal line 6.3 with the guiding parts).

As to claim 12, Gunschera et al discloses (see Fig 7) a housing surrounding powder guiding elements and nozzle strip.

With respect to claims 19-21, Gunschera et al discloses adjustable closure plate 11, induction coil 18 and perforated disk 11' for the guiding parts to adjust the passage of a powder gas flow through the opening 12.1' and 13.1'. Gunschera et al's device is capable of drawing air quantity via the powder guiding elements each in the form of a box about 10-40 or 20-30 times that of a powder gas quantity delivered by the nozzle strip.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunschera et al (US 6,085,654) as applied to claim 1 above. Gunschera et al lacks teaching the second guiding sides form an angle differing from 90° relative to the first guiding sides. Actually, it appears the two sides of the guiding part 13' form a 90°, wherein the powdering unit mounted along the horizontal conveying path of sheet. However, the angling of the two sides of the powder guiding part depends on where the powdering unit is installed along the conveying path of the substrate or sheet. One in the art would shape or angle the guiding element as desired to appropriately install the powdering unit along the conveying path of the substrate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the

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guiding sides of Gunschera et al forming an angle differing from 90° depending the place where the unit is installed along the conveying path of the substrate.

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunschera et al (US 6,085,654) as applied to claim 1 above, and further in view of Platsch (US 5,964,155). Gunschera et al lacks teaching a powdering station having two powdering units arranged on opposite sides of a conveying plane for a product to be sprayed with a powder and aligned with each other as seen in a conveying direction of a product. Platsch discloses (see Fig 9) a powder application head (30) that is symmetrical to the powder application head 30 to treat both sides of the printed product. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange two powdering units on opposite sides of a conveying plane for a product to be sprayed with a powder and align with each other as seen in a conveying direction of a product to equally powder both sides of the printed product as taught by Platsch (see column 3, lines 10-17). As to the powder guiding sides of the powdering unit cooperating with top and bottom sides of a product, Gunschera et al's device as modified by Platsch is capable of having the first and second guiding sides cooperating with a bottom side of a product are at a greater inclination with respect to a normal of a product-conveying plane (as the coating unit arranged on the rising path of the conveying path of the substrate) than the second guiding side of the powdering unit cooperating with a top side of a product to be sprayed with a powder.

Allowable Subject Matter

8. Claims 22-25 are allowed.
9. Claims 4-9, 11 and 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As to claims 4-9 and 22-27, prior art of record does not disclose or suggest a powdering unit comprising, among others, the prismatic wall obtained by the guiding sides and carrying (covering) sides is closed at the ends by end parts to form a box. As to claim 11, prior art of record does not disclose or suggest a powdering unit comprising, among others, a lead-in sloping surface is provided at the end of the first guiding side of a guiding element.

Response to Arguments

10. Applicant's arguments filed 07/25/2005 have been fully considered but they are not persuasive. It is noted in the amendment, applicant has added the limitation in that the guiding elements or sides of being "powder" guiding elements or sides. First, Gunschera et al discloses a powdering device or unit. Therefore, the elements or sides or parts are considered to be powder guiding elements and sides. Secondly, this limitation is an intended use, which does not distinguish applicant's claimed invention from reference of Gunschera et al as described in the rejection above. Gunschera et al structurally meets the claimed invention. With respect to claim 2 argument, one in the art would arrange the guiding element as desired including guiding sides forming an

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angle differing from 90° depending the location of the powdering unit installed along the conveying path of the substrate. As such, the art rejections (of claims 1-3, 10, 12-15 and 19-21) with references Gunschera et al alone and in view of Platsch are maintained as described above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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